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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 vs.
14 CLAYTON HOWARD,
15 Defendant.

Case No.: 2:20-cr-090 TLN

16 STIPULATION AND ORDER SETTING
17 STATUS CONFERENCE AND
18 EXCLUDING TIME UNDER THE SPEEDY
TRIAL ACT

19 Date: March 31, 2022
20 Time: 9:30 a.m.
21 Court: Hon. Troy L. Nunley

22

23

24 Plaintiff United States of America by and through Assistant United States Attorney
25 Cameron Desmond, and Attorney Todd Leras on behalf of Defendant Clayton Howard, stipulate
26 as follows:

27

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- 1 1. This matter is presently set for a status conference on March 31 , 2022. The defense
2 is engaged in continuing investigation and the parties are discussing potential
3 resolution of the matter. By this stipulation, the defense requests to continue the
4 status conference to April 28, 2022.
5
- 6 2. This case involves a felon in possession of ammunition charge stemming from
7 execution of a search warrant in San Joaquin County. The government has provided
8 written reports related to execution of the search warrant to defense counsel as
9 discovery materials.
10
- 11 3. The government provided defense counsel and his investigator an opportunity to
12 inspect evidence, in response to a defense request, of assorted items held at the
13 Sacramento Drug Enforcement Administration Office on December 16, 2021, and at
14 the Bureau of Alcohol, Tobacco, Firearms, and Explosives on February 15, 2022.
15 The defense is conducting follow up investigation of matters based on the evidence
16 inspection. Defense counsel therefore requests to continue this matter to April 28,
17 2022. The government does not oppose the request.
18
- 19 4. Given the need for additional time to conduct ongoing defense investigation,
20 Defendant Howard requests to exclude time between March 31, 2022 and April 28,
21 2022, inclusive, under Local Code T-4.
22
- 23 5. Attorney Todd Leras represents and believes that failure to grant additional time as
24 requested would deny Defendant Howard the reasonable time necessary for effective
25 preparation, considering the exercise of due diligence.
26
- 27 6. Based on the above-stated facts, Defendant Howard requests that the Court find that
28

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1 the ends of justice served by continuing the case as requested outweigh the best
2 interest of the public and the Defendant in a trial within the time prescribed by the
3 Speedy Trial Act.

4
5 7. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, *et*
6 *seq.*, within which trial must commence, the time period of March 31, 2022 to April
7 28, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), and
8 (B) (iv) [Local Code T-4] because it results from a continuance granted by the Court
9 at Defendant Howard's request on the basis that the ends of justice served by taking
10 such action outweigh the best interest of the public and the Defendant in a speedy
11 trial.

12
13 8. Nothing in this stipulation and order shall preclude a finding that other provisions of
14 the Speedy Trial Act dictate that additional time periods are excludable from the
15 period within which a trial must commence.

16
17 Assistant U.S. Attorney Cameron Desmond has reviewed this proposed order and
18 authorized Todd Leras via email to sign it on her behalf.

19
20 DATED: March 29, 2022

PHILLIP A. TALBERT
United States Attorney

21
22 By /s/ Todd D. Leras for
23 CAMERON DESMOND
Assistant United States Attorney

24 DATED: March 29, 2022

25 By /s/ Todd D. Leras
TODD D. LERAS
Attorney for Defendant
CLAYTON HOWARD

26
27 ORDER SETTING STATUS
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ORDER

BASED ON THE REPRESENTATIONS AND STIPULATION OF THE PARTIES, it is hereby ordered that the status conference, scheduled for March 31, 2022, is vacated. A new status conference in this matter is scheduled for April 28, 2022, at 9:30 a.m. The Court further finds, based on the representations of the parties and Defendant Howard's request, that the ends of justice served by granting the continuance outweigh the best interests of the public and the Defendant in a speedy trial. Time shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(B)(iv) and Local Code T-4, to allow necessary attorney preparation taking into consideration the exercise of due diligence for the period from March 31, 2022, up to and including April 28, 2022.

IT IS SO ORDERED.

DATED: March 29, 2022

Troy L. Nunley

Troy L. Nunley
United States District Judge

ORDER SETTING STATUS CONFERENCE